

August 22, 2013

Zoning Committee Public Hearing
Conditional Use Permit
Mr. and Ms. Zoromski

This public hearing was called to order at 1:00 p.m. by Zoning Committee Chairman Bob Schneider. This hearing has been posted and published as is required by Wis. Stats and LdF Zoning Ordinance 93-4.

Introductions were made. Zoning Committee members present were: Chairman Bob Schneider, Janet Konopacki, Darwin Lohse, Denise Redlich and Robert Milburn. Also representing the Town were Sue Ackland, Town Zoning Administrator and Teri Shaw, Zoning Committee Secretary.

Also present is Becky Zoromski and her Attorney Todd McEldowney, Ms. Schmidt and Dan Weyda.

Mr. McEldowney: There was a hearing scheduled about a month ago, but because of a lack of a quorum we didn't have the opportunity to have our request for a CUP acted upon. This is the adjourned date/time set for that purpose. I have had conversations with Greg Harrold, Lac du Flambeau Town Attorney, regarding our request for this CUP and basically the understanding that we had subject to your approval is consideration for the compliance for any/all rules, regulations and statutes. Also, in exchange for the forfeiture of any alleged violations of any ordinances while the business was operating, there would be no objections to the CUP being granted.

Mr. McEldowney stated that at any time Ms. Zoromski or he would be open to any and all questions the Zoning Committee may have.

Chairman Bob Schneider: Please explain what you are proposing to do here.

Ms. Zoromski: The property has 5600 sq. feet for the main building. Referring to the drawing previously submitted, there is just shy of 2000 sq. feet on the west side of the building that we are proposing to turn into a flea market where between 8 to 10 different booths would be set up. It may be considered more craft type items instead of garage sale items. We haven't decided which days we would be open yet. The craft booths

will be inside, but we are considering having a small scale farmers market on the outside along the driveway/parking area. That would not happen until we had the appropriate space available after the driveway and parking area was completed. If it was allowable and the Committee approves. The center section of the building, approximately 1400 sq. feet, we propose to make into a retail/retail fireworks sales store. We are starting with fireworks, because we know the fireworks business. We would like to expand into small toiletries. Things people in the community could purchase here rather than drive all the way into Minocqua to purchase. There is another section of the building attached to the store that would be used for storage/break room/personal room for us. It is connected to the store so we would not be able to rent this area out without changing the structure of the building.

Chairman Bob Schneider noted that this storage area had exterior doors to access it.

Ms. Zoromski: There are also three garage stalls that are attached to the building and those would be used as storage space to rent out.

Discussion took place regarding the current garage doors and their location.

Ms. Zoromski: There is an additional, separate building to the east of the main building which contains 5 mini storage units. They will remain as mini storage units to rent.

Mr. McEldowney: It should be noted for the record, that this is not a unique or a new, novel use of this building, because the hardware store that was previously there also sold fireworks.

Chairman Bob Schneider asked the Committee if they had any questions.

Rob Milburn asked if the restroom shown in the drawing was for public use.

Ms. Zoromski stated that she hadn't been able to find definite regulations stating that they were required to have a public restroom, just that there should be restrooms that could be made available for the public to use.

Ms. Zoromski asked Sue Ackland what the requirements were concerning public restrooms.

Sue Ackland stated that we don't address the issue of public restrooms. That would fall under the state codes. They would need to contact the Commercial Building Inspector to find out what was needed to comply with state codes, etc.

Ms. Zoromski: We are fine with the current restroom being made public. There also is plumbing in the office that could be used to make a restroom. It would be a very easy, quick fix to turn that into a bathroom.

Discussion took place on the office area plumbing.

Rob Milburn: How many parking spots do you anticipate having?

Ms. Zoromski: We did receive the tree cutting permit with the Cators for changing the location of the driveway. They have started cleaning along the lot-line. We plan on the space between the two main buildings to be the closest parking area for the retail business. There wouldn't be any problem fitting 12 cars in that space.

Discussion took place on the driveway, parking area and their location and size. The determination was made that there would be no parking on the shared entrance or driveway.

It was determined that there is an easement agreement for the shared driveway that is on file in Vilas County.

Rob Milburn: Will there be any site improvements, or any drainage changes?

Ms. Zoromski: Not that I am aware of.

Discussion took place on drainage and water runoff.

Mr. McEldowney: Before there would be any kind of improvements or changes to the driveway and/or parking areas we would be in contact with an inspector to be sure that all necessary requirements were met.

Sue Ackland read from the Lac du Flambeau Zoning Ordinance Art. 12.3. E that states that there needs to be one parking space for every 200 sq. feet of business floor space.

It was determined that the Zoromski's would need at least 17 parking spaces and that they currently plan on having more than that.

Rob Milburn: Are you changing electrical service to the building?

Ms. Zoromski: We do not plan on changing the electrical service. What is currently there should be adequate.

Rob Milburn: Are there any structural changes planned for the building?

Ms. Zoromski: No, just possibly new windows and paint.

Rob Milburn: What are your plans as far as advertisement with a sign?

Ms. Zoromski: Presently we have a banner attached to the building. This is just short term. We will need to get a permit for our permanent sign. We are planning to put it by the driveway entrance where it splits off to go to the Cator's business. We might put up a smaller sign by the Blue Sky Lane entrance also.

Sue Ackland: I give out the sign permit and the sign will have to be put up on your property, not the road right of way. Art. 11.1. B allows one sign to be placed on the premises.

Chairman Bob Schneider: Is that in addition to what is on the building?

Sue Ackland: I don't get involved with what a business would hang, paint or put on their buildings.

Rob Milburn asked what permits the Zoromski's needed to obtain.

Sue Ackland: They already have the tree cutting permit for any site clearing needed for the shared driveway and parking. They will need a sign permit for a permanent, free standing sign and unless they are building any other structures or additions to this building they do not need any other permits from the Town.

Ms. Zoromski talked about a small room that is on the back of the main building and the possibility of removing it.

It was determined that if they did want to remove this room, the Town would require them to obtain a demolition permit to do so.

Chairman Bob Schneider: Does the Committee have any further questions or concerns?

Darwin Lohse: There is a fine of \$1400.00, has this been paid?

Mr. McElDowney: I talked to Greg Harrold (Town Attorney) today and he talked to Sue Ackland. It was determined that the fine would be paid to the Town by September 30, 2013 or earlier.

Darwin Lohse asked about any permits that may be required to sell fireworks.

It was determined that there were no special permits required to sell fireworks, but that you did need a Retail Sellers License through the state of Wisconsin.

Sue Ackland asked about having an ATF License (Alcohol-Tobacco-Firearms License).

It was determined that Mr. Zoromski has a current ATF License.

Darwin Lohse: Could you sell firearms at this location?

Ms. Zoromski: We would have to have another license, an FFL to sell firearms.

Rob Milburn: Is that your intent?

Ms. Zoromski: No, the intent is not to sell firearms of any kind.

Discussion took place on the parking for the public, vendors and/or farmers market and where the farmers market would be set up.

Discussion took place on the size of fireworks that can and would be sold at this location.

It was determined that the fireworks that would be stored and sold at the store would be up to 500 grams.

Discussion took place about age requirements for buying fireworks.

It was determined that a person must be at least eighteen years of age to purchase fireworks.

Darwin Lohse: Will you have a building inspector come in to inspect the building prior to opening your business?

Mr. McElDowney: We have done the legwork, but are waiting for the Lac du Flambeau Zoning Committee's approval before we finalize it. We will have whatever inspectors that need to come in so that we are in compliance with any and all codes and regulations required. We have been in touch with the state inspectors in regards to the septic system and the potential need for a fire wall and/or a sprinkler system. We will have an engineer or an architect submit a design for the state to approve.

Darwin Lohse: Are you going to try to open before fall, winter?

Ms. Zoromski: We would like to open the retail store and craft area next spring, but the storage units we would like to rent them out as soon as possible.

Chairman Bob Schneider: I assume that you will not be having firework shows and/or displays at this site, correct?

Ms. Zoromski: We would like to have one product display each year so people can see what the fireworks that we sell actually do. We have done them in different towns and usually it was something the Fire Department/ Fire Inspector would give us a permit for.

Mr. McElowney: There is no detonation that is included as part of this request.

Darwin Lohse: So you will never be putting on a display at this site to show people – ever?

Ms. Zoromski: We would ask for a permit from the Town if and when we would decide to have a display.

Sue Ackland: Our Fire Chief is aware of this and told me that he doesn't believe there was any safe place for any detonation of fireworks. Even with the driveways cut in, it's just too dangerous. The Lac du Flambeau Town Chairman is against it also.

Ms. Zoromski: That's fine. Sometimes we have had to go to a local baseball diamond and get permission to use that for a fireworks display if it was determined that we were too close to buildings, roads or business's to be considered safe.

Sue Ackland: I have three suggestions for the Zoning Committee to consider for conditions to place on this CUP application:

1. That the Zoromski's pay the \$1400.00 no later than September 30, 2013 to the Town of Lac du Flambeau.
2. The Zoromski's must be in compliance with all know and unknown regulating agencies regarding regulations, permits and ordinances.
3. There will be no detonation of any fireworks at this site.

Chairman Bob Schneider asked if there had been any correspondence in response to this proposed CUP application.

Teri Shaw replied: No, we haven't received any correspondence.

For the record, Ms. Zoromski has turned in 5 green cards.

Chairman Bob Schneider asked if the audience had any questions or concerns.

Hearing none, does the Committee have any further questions, concerns or comments?

Hearing none, may I have a motion?

Rob Milburn: I make the motion to approve this proposed CUP application with the three conditions mentioned.

Denise Redlich: I will second the motion to approve.

Chairman Bob Schneider: Is there any discussion on the motion?
Hearing none, I will ask the Committee to vote.

Rob Milburn: In favor.

Denise Redlich: In favor.

Janet Konopacki: In favor.

Darwin Lohse: In favor.

Chairman Bob Schneider: In favor.

Chairman Bob Schneider: The motion has been made and passed. May I have a motion to adjourn?

Rob Milburn: I make the motion to adjourn.

Janet Konopacki: I second the motion.

Motion carried.

This hearing was adjourned at 1:37pm.

Respectfully submitted,

Teri Shaw
Secretary Zoning Committee

THERE IS A TAPE RECORDING OF THIS PUBLIC HEARING ON FILE AT THE
TOWN OF LAC DU FLAMBEAU OFFICES.

